

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8833 of 2016

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Most Rama Devi, wife of Late Mithilesh Kumar Singh, resident of Village +
Post- Chhatauna, Police Station- Samastipur Mufassil, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna
2. The Registrar, Cooperative Societies, Govt. of Bihar, Patna.
3. The Additional Registrar, Cooperative Societies, Govt. of Bihar, Patna.
4. The Chairman, the Samastipur District Central Cooperative Bank Limited, Head Office-Court Compound, Samastipur
5. The Board of Directors, the Samastipur District Central Cooperative Bank Limited, Court Compound, Samastipur
6. The Samastipur District Central Cooperative Bank Limited, through its Managing Director, Head Office – Court Compound, Samastipur
7. The Managing Director, the Samastipur District Central Cooperative Bank Limited, Court Compound, Samastipur
8. The Bihar State Cooperative Federation Limited through its Chairman, Budh Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Sanjay Kumar Singh, Advocate
For the S t a t e	:	Mr Raghwanand, GA XI with Mr Rajan, AC to GA XI
For the B a n k	:	Mr Rajeev Ranjan, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 02-05-2019

Heard learned counsel for the petitioner as well as the respondent-Bank.

2 Husband of the petitioner died in the year 1993, while in harness serving the respondent-Bank. As per case of the petitioner, she, thereafter, was appointed on compassionate ground



in the year, 1998. Her appointment was pending confirmation. However, by Annexure 3, i.e., order dated 25.11.1998, her services were terminated by the Managing Director of the respondent-Corporation in compliance of order dated 26.09.1998 from the Additional Registrar, Cooperative Societies, Bihar, Patna. It is the petitioner's case that under Communication dated 17.04.2000 from the Managing Director, Cooperative Societies, again her case has been recommended for compassionate appointment.

3 Writ petition has been filed in the year, 2016 seeking to challenge the termination dated 25.11.1998, and also a direction upon the respondents to consider the appointment of the petitioner on compassionate ground in light of recommendation dated 17.04.2000. Both the causes of action have arisen 18 years and 16 years prior to filing of the writ petition.

4 The termination dated 25.11.1998 subsists till today. In the meantime, petitioner asserts that recommendation was made for her appointment on compassionate ground in the year, 2000. The specific stand of the respondent-Bank is that in view of the delay and laches on the part of the petitioner in approaching the Court for quashing of her termination after 18 years, the writ petition, as framed, is barred by delay and laches. The respondent-Bank has also taken stand that pecuniary position of the Bank was



so poor that there was no question of reconsidering grant of compassionate appointment to the petitioner on the basis of recommendation dated 17.04.2000. No reply or rejoinder has been filed by the petitioner, denying or disputing the assertions made in the counter affidavit. Stand of the respondents appears to be correct.

5 Whether the petitioner's claim for compassionate appointment can be considered at such a belated stage is an issue which is not capable of being examined in the instant petition as basic pleadings, including the scheme of compassionate appointment have not been placed on record in the instant writ proceedings.

6 For all the reasons indicated herein above, writ petition is barred by delay and laches and also devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2019
Transmission Date	NA

